

AN ORDINANCE

BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

01- 10-0296

AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING, DEVELOPMENT, AND NEIGHBORHOOD CONSERVATION (BUREAU OF NEIGHBORHOOD CONSERVATION) TO DEMOLISH AND CLEAN THE PREMISES OF VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON JANUARY 25, 2001

1734 Bankhead Hwy, NW	09
2626 Browntown Road, NW	09
925 Coleman Street, SW	04
707 Magnolia Street, NW	03
652 Shelton Avenue, SW	04
656 Shelton Avenue, SW	04
153 Vine Street, NW	03
136 Walnut Street, NW	03
1392 West Avenue, NW	03
1078 Westmoor Drive, NW	03

WHEREAS, on March 16, 1987, the Council of the City of Atlanta adopted an Ordinance entitled, "The Atlanta Housing Code of 1987"; and the same was approved by the Mayor of the City of Atlanta on March 24, 1987; and

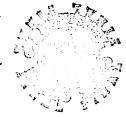
WHEREAS, on January 25, 2001, pursuant to the Atlanta Housing Code of 1987, Article III; entitled "In Rem Procedures", hearings were held after due notice to owner(s) of and/or parties in interest before the In Rem Review Board regarding certain structures believed to be unfit for occupancy or habitation and to be in violation of Article III; and

WHEREAS, January 25, 2001, The In Rem Review Board determined that the structures on the real property more fully identified hereinafter, were unfit for human occupancy or habitation and could not be improved, repaired, or altered at a cost of fifty percent (50%) or less of the value of structures, exclusive of the foundation and lots after the improvements have been made; and

WHEREAS, the In Rem Review Board did state in writing these findings of fact in support of such determination and the In Rem Review Board issued and caused to be served upon the owner(s) of and /or parties in interest, an Order requiring the owner(s) and/or parties in interest demolish such structures, clean the premises and plant grass on the lot pursuant to Section 33 (3) c of the Atlanta Housing Code; and

WHEREAS, a period of 30 days from the date of said Order was allowed for the owner(s) and/or parties in interest to comply with the Order; and

WHEREAS, the owner(s) and/or parties in interest of the properties failed to comply with the Order of the In Rem Review Board within the specified time.



NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

<u>SECTION 1:</u> That the Mayor is authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to forthwith demolish and clean the following real property, upon which structure(s) are located:

Proper Street Address	City Council District
1734 Bankhead Hwy, NW	09
2626 Browntown Road, NW	09
925 Coleman Street, SW	04
707 Magnolia Street, NW	03
652 Shelton Avenue, SW	04
656 Shelton Avenue, SW	04
153 Vine Street, NW	03
136 Walnut Street, NW	03
1392 West Avenue, NW	03
1078 Westmoor Drive, NW	03

<u>SECTION 2:</u> That the Mayor is hereby authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to perform the following specific duties at the above mentioned properties:

- (1) Vacate the structures, (if occupied).
- (2) Demolish the structures and clean the premises.
- (3) Plant grass in conformance with the Order of the In Rem Review Board
- (4) File a lien against the real property on which the structures(s) are attached In an amount necessary to recover the costs incurred by the City of Atlanta

<u>SECTION 3:</u> That the Mayor is further authorized to allow the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to engage the professional services of any of the City of Atlanta's pre-qualified contractors to conduct the appropriate duties listed in <u>SECTION 2</u> of this ordinance.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

OMC - Amendment Incorporated by tcp 3/30/01

A true copy.

Rhonda Daughin Johnson Municipal Clerk, CMC ADOPTED as amended by the Council APPROVED by the Mayor

MAR 19, 2001 MAR 27, 2001

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Willie Mae Sampler and Fred Menefee

on 1-12-01 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

All that tract or parcel of land lying and being in Land Lot 145 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin located on the southwesterly rightof-way line of Bankhead Highway (formerly Mason & Turners Ferry Road), 296 feet southeasterly as measured along the southwesterly right-of-way line of Bankhead Highway, from the point of intersection of the southwesterly right-of-way line of Bankhead Highway with the easterly right-of-way line of South Evelyn Place; running thence southeasterly along the southwesterly right-of-way line of Bankhead Highway 60 feet to an iron pin; running thence southwesterly 187.6 feet to an iron pin located on the northeasterly line of a 16 foot alley; running thence northwesterly forming an interior angle of 83 degrees 44 minutes with the preceding call, along said northeasterly line of a 16 foot alley, 49 feet to an iron pin; running thence northerly 187.4 feet to an iron pin located on the southwesterly right-of-way line of Bankhead Highway at the point of beginning; having located thereon a dwelling known as 1734 Bankhead Highway, N.W., according to the present system of numbering houses in the City of Atlanta, Fulton County, Georgia, being part of 10 580, Block 30 of Fortified Hills Subdivision, according to plet recorded in Plat Book 8, Page 149/152, Fulton County Records.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated:

January 12, 2001

BY:

Bureau of Neighborhood Conservation, Official Agent

BY:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Clarence O. Miller **Sheriff of Fulton County**

12-8-00 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, on seeking relief against the following described real estate, to-wit:

> of land lyng and being in 1 Land Lot 251 of the 17th District of Fulton County, Georgia and more particularly described as follows. Beginning at an iron pin at the northwest corner of property now or formerly owned by Rosevelt Ward which point is 672 feet northeast of the Land Lot line between Land Lots 251 and 257 as measured along the southeast side of Browntown Road; running thence southwest along the southeast side of Browntown Road 65 feet to an iron pin at the northeast corner of property now or formerly owned by Angela Ward; running thence south along the east line of the property of Angela Ward 56 feet to an iron pin; running thence southeast 42 feet to an iron pin; running thence north along the west line of the property of Rosevelt Ward 95 feet to Browntown Road at the point of beginning being improved property known as 2626 Browntown N.W. according to the present system of numbering meases in the city of Atlanta, Georgia.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

BY:

BY:

Dated:

December 8, 2000

Bureau of Neighborhood Conservation, Official Agent

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Harold Bearden, Jr. and Lloyd Bearden Richard Bearden, Sharon Oglesby (aka Olglesby), Gloria Pearson, Joann Vickers, Leontine Bearden Parham

1-12-01 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, on seeking relief against the following described real estate, to-wit:

all that tract or parcel of land lying and being in Land Lot 87 of the 14th District of Fulton County, Georgia, and described as follows: FRUNTING on the West side of Elizabeth Street, one (100) hundred feet North of Mary Street, twenty-seven (27) feet, and extending back West, same width as front, one hundred (100) feet, being Lot No.5, of Block F, of the Sherman property, as per plat of T.A.Frierson, ALSO, BEGINNING at a point on the West side of Elizabeth Street, one hundred and twentyfive (125) feet North of Mary Street, and running North along Elizabeth Street, twenty-five (25) feet, and extending back West same width as front , one hundred (100) feet, to a ten foot alley, being Lot" a, in Block F, of the Sherman property, as shown by the plat of Frierson & Scott, dated May 12, 1886. being known as 925 Coleman Street, SW, Atlanta, Georgia

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated:

January 12, 2001

BY:

Bureau of Neighborhood Conservation, Official Agent



Notice is hereby given that a complaint was filed by the City of Atlanta against:

Alice R. Johnson John E. Johnson

Heirs of Shirley R. Johnson, John E. Johnson, Alice R. Johnson, Prince D. Johnson, Antoinette Denice Johnson and Derrick Johnson, and Shirley W. Johnson **Internal Revenue Service**

11-10-00 on in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

> All that tract or parcel of land lying and being in the City of Atlanta, in Land Lot 110 of the 14th District of Filton County, Georgia, being Lot 12 of the plat made for Emile Breitenbucher by W. J. Nalley, C.E., February 24, 1924, and more particularly described as follows:

BEGINNING on the north side of Magnolia Street at a point one hundred seventy-five (175) feet west of the northwest corner of Magnolia Street and Sunset Avenue, and running thence west along the north side of Magnolia Street thirty-nine and three tenths (39.3) feet; thence north one hundred twenty (120) feet; thence east forty (40) feet; thence south one hundred twenty (120) feet to Magnolia Street and the point of beginning; being improved property known as No. 707 Magnolia Street, in the City of Atlanta.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated:

November 19, 2000

BY: Bureau of Neighborhood Consequation, Official Agent

BY:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Kevin Peterson and Florence O. Peterson Robert Lee Buffington

on 12-8-00 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

All that tract or parcel of land lying and being in Land Lot 107 of the 14th District of Fulton County, Georgia, being Lot 33 of Southside Grove Auction sale Property of T. A. Shelton, as per plat recorded in Plat book 2, page 5, Fulton County Records, and being more particularly described as follows:

BESINNING at an iron pin on the South side of Shelton Avenue, three hundred fifteen (315) feet West from the corner formed by the intersection of the South side of Shelton Avenue with the West side of Stewart Avenue; running thence East along the South side of Shelton Avenue lifty (50) feet to a point and the Northwest corner of Lot 34 of said Subdivision; running thence South along the West line of said Lot 14. One Hundred Twenty (120) feet to a point and Lot 43, was Subdivision; running thence West along the North line of said Lot 43, Fifty (50) feet to a iron pin; running thence North, One Hundred Twenty (120) feet to an iron pin and the (point of) beginning, as per survey prepared by A. S. Glometti & Associates, Inc., dated November 1, 1967.

being improved property known as 652 Shelton Avenue, SW, Atlanta, Georgia.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated:

December 8, 2000

Bureau of Neighborhood Conservation, Official Agent

BY: 1 M(AWy)

Assistant Real Estate City Attorney



Notice is hereby given that a complaint was filed by the City of Atlanta against:

Kevin D. Peterson City of Atlanta Historic Preservation Ordinance

in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, 12-8-00 seeking relief against the following described real estate, to-wit:

all that tract or parcel of land lying and being in

Let 107 of the 14th District of Fulton County, Georgia, more particulary described as follows.

Beginning on the south side of Shelton Avenue three hundred fifteen (315) feet west of Stewart Avenue ; thence west along the south side of Shelton Avenue fifty (50) feet; and extending south at right angles to Shelton Avenue; with same width as front, end hundred twenty-one (121) feet; and being Let 32, as per plat of South Side Grove sold by J.C. Hendrix and W.S. Analey on April 27.,1904, recorded in Plat Book 2, page 5 of the Records of the Clerk of the Superior Court of said Fulton County. being improved property known as 656 Shelton Avenue, SW, Atlanta, Georgia.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

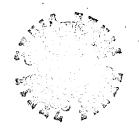
Dated:

December 8, 2000

BY:

Bureau of Neighborhood Conservation, Official Agent

BY:



Notice is hereby given that a complaint was filed by the City of Atlanta against:

Willie S. Adams
The Associates Financial Sevices of America, Inc.
Internal Revenue Service

on 12-8-00 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

ALL THAT TRACT AND PARCEL of land lying and being in Land Lot 83 of the 14th District of Fulton County, Georgia, being more particularly described as follows:

BEGINNING at a point on the east side of Vine Street 132 feet south of the southeast intersection of Foundry Street and Vine Street; running thence south along the east side of Vine Street 33.75 feet to a point; running thence east 74 feet to a point; running thence north 33.75 feet to a point; running thence west 74 feet to the east side of Vine Street and the Point of Beginning; bing known as 153-A and 153-B Vine Street, N.W. according to the present system of numbering in Atlanta, Georgia

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated:

December 8, 2000

BY:

Bureau of Neighborhood Conservation, Official Agent

BY: /) (

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Shaun P. Touchton Howard S. Rothman Marc Kanne The Money Centre, Inc. Sebastian Y. Rice

on 10-6-00 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

All that tract or parcel of land lying and being in Land Lot 83 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

Beginning at a point on the west side of Walnut Street 61.5 feet more or less north of the northwest corner of Walnut Street and Magnolia Street, as measured along the west side of Walnut Street, which point of beginning is also the northeast corner of the property now or formerly owned by Abe Auerbach; thence north along the west side of Walnut Street 33.5 feet to the southeast corner of the property now or formerly owned by Allen Caldwell and Margaret A. Caldwell; thence west along the south line of the said Caldwell property 110 feet to the east side of a 10 foot alley; thence south along the east side of said alley 33.5 feet to the northwest corner of the said Auerbach property; thence east along the north line of said property 110 feet to the west side of Walnut street and the point of beginning; being improved property known as No. 136 Walnut Street, N.W., Atlanta, Ga.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

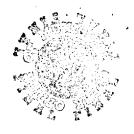
Dated:

October 6, 2000

BY:

Bureau of Neighborhood Conservation, Official Agent

BY:



Notice is hereby given that a complaint was filed by the City of Atlanta against:

Gary L. Walker and Cynthia W. Reed

1-12-01 on in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

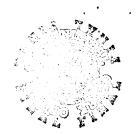
Dated:

January 12, 2001

BY:

Bureau of Neighborhood Conservation, Official Agent

BY:



Notice is hereby given that a complaint was filed by the City of Atlanta against:

Metropolitan Atlanta Rapid Transit Authority, Tyrone Carl Caulton Ralph S. Caulton, Individually & as Administrator James W. Caulton, Juliette W. Caulton, Ronnie L. Caulton, Charles I. Caulton, Larry J. Caulton, Patricia C. Law, Anita Lynn Caulton and Mary L. Tarver Internal Revenue Service

on 10-6-00 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

All that tract or parcel of land lying and being in Land Let 115 of the 14th District, Fulton County, Georgia, being Lot 47, Subdivision of Washington Heights Terrace Addition, as per plat recorded in Plat Boch 74, page 17, Fulton County Records, and being more particularly described as follows:

BECINNING at an iron pin on the southerly side of Westmoor Drive five hundred forty (\$40) feet westerly from Ollie Street, as measured along the southerly side of Westmoor Drive; said beginning point also being at the northwest corner of Lot 48, said subdivision; running thence westerly along the southerly side of Westmoor Drive and southwesterly along the cul de sac of Westmoor Drive forty-eight and three tenths (48.3) feet to an iron pin and Lot 46, said subdivision; running thence southerly along the easterly line of said Lot 46, one hundred twenty (120) feet to an "X" in the concrete; running thence easterly forty-six (46) feet to an iron and said Lot 48; running thence northerly along the westerly-line of said Lot 48; one hundred thirty-seven (137) feet to the southerly side of Westmoor Drive and the point of beginning, being improved eroperty having a one-story brick house thereon and being in known as
1078 Westmoor Drive, N. W. according to the present system of numbering houses in the City of Atlanta, Georgia.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated:

October 6, 2000

BY:

Buceau of Neighborhood Conservation, Official Agen

BY:

Atlanta City Council

Regular Session

MULTIPLE

01-0-0295 ADOPT 01-0-0296 ADOPT AS AMENDED,

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

NV McCarty Y Dorsey Y Moore Y Thomas Y Starnes Y Woolard Y Martin Y Emmons Y Bond Y Morris Y Maddox B Alexander NV Winslow Y Muller Y Boazman NV Pitts

CORRECTED COPY

	First Reading Committee	ading C2 ////	FINAL COUNCIL ACTION	
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(Do Not Write Above This Line)	Referred to	1 07/110	Headings	
	Committee	Committee	□Consent □V Vote □MC Vote	
ORDINANCE BY: COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE	C3/14K	400	CERTIFIED	
AN ORDINANCE AUTHORIZING THE MAYOR TO	7 // 4/6 / /	Date		
DIRECT THE DEPARTMENT OF PLANNING, DEVELOPMENT AND NEIGHBORHOOD CONSERVATION	Mich Chair	Chair		
(BUREAU OF NEIGHBORHOOD CONSERVATION) TO	Contraction Contraction			
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Community Development / Human Nesources				
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